

ORIGINAL



0000069269

BEFORE THE ARIZONA CORPORATION COMMUNICATIONS Commission

RECEIVED

DOCKETED

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2007 MAR 27 A 11:30

MAR 27 2007

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

nr

IN THE MATTER OF QWEST CORPORATION'S
APPLICATION FOR ARBITRATION
PROCEDURE AND APPROVAL OF
INTERCONNECTION AGREEMENT WITH
ANSWERPHONE, INC. PURSUANT TO
SECTION 252(B) OF THE COMMUNICATIONS
ACT OF 1934, AS AMENDED BY THE
TELECOMMUNICATIONS ACT OF 1996, AND
THE APPLICABLE STATE LAWS.

DOCKET NO. T-01051B-06-0175
DOCKET NO. T-02556A-06-0175
DOCKET NO. T-03693A-06-0175

PROCEDURAL ORDER

BY THE COMMISSION:

On March 17, 2006, Qwest Corporation ("Qwest") filed with the Arizona Corporation Commission ("Commission") an Application for Arbitration Procedure and Approval of Interconnection Agreement pursuant to Section 252(b) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act") for approval of an interconnection agreement between Qwest and each of eleven named wireless and paging carriers¹ to implement the ruling of the Federal Communications Commission ("FCC") *In the Matter of Developing a Unified Intercarrier Compensation Regime, T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, CC Docket 01-92, FCC 05-42 (Rel. Feb. 24, 2006) ("T-Mobile Order").

On May 9, 2006, Qwest filed its Third Amendment to its Application for Arbitration Procedure and Approval of Interconnection Agreement, deleting Nextel West Corp. and Answerphone, Inc. ("Answerphone"), stating that "Nextel and Answerphone have discontinued their Type 1 Paging facilities in Arizona." Accordingly, by Procedural Order issued on May 24, 2006, Nextel and Answerphone were dismissed from the proceeding.

¹ Qwest's Application for Arbitration Procedure and Approval of Interconnection Agreement originally named eleven non-petitioning parties: Azcom Paging, Inc.; Smith Bagley, Inc.; Interstate Wireless, Inc. dba Handy Page; Answerphone, Inc.; Star Page, Inc.; Glen Canyon Communications, Inc.; Nextel West Corp.; Western Wireless Corporation; Tele-Page, Inc.; Westsky Wireless, LLC; and Pac-West Telecomm, Inc.

1 On October 20, 2006, the Commission issued Decision No. 68993, resolving the only
2 remaining issue between the sole remaining parties to the docket, Qwest and Handy Page.
3 Commission Utilities Division Staff ("Staff") participated in the approval of the interconnection
4 agreement between Qwest and Handy Page.

5 On October 25, 2006, Qwest filed a Motion to Re-Open Arbitration with Respect to
6 Answerphone, Inc. Qwest had discovered that since the dismissal of Answerphone from this
7 proceeding, "Answerphone continues to operate as a wireless provider of paging services, and has
8 continuously been interconnected with Qwest throughout the relevant time periods of this
9 proceeding."

10 By Procedural Order dated November 3, 2006, Answerphone was ordered to file a response to
11 Qwest's Motion to Re-Open by November 16, 2006 and was put on notice that if it failed to file a
12 response by the designated deadline, Qwest's Motion to Re-open would be considered granted and
13 the arbitration for interconnection agreement would be re-opened.

14 Answerphone did not file a Response and pursuant to the terms of the November 3, 2006
15 Procedural Order, the arbitration has been reopened with respect to Answerphone.

16 On February 22, 2007, Qwest filed a Motion for Arbitration Order adopting Interconnection
17 Agreement. Qwest seeks Commission approval of the agreement attached as Exhibit B to its
18 Arbitration Petition as an interconnection agreement between Qwest and Answerphone, as written.
19 Qwest avers that the agreement it asks the Commission to adopt is identical to the agreements that
20 eleven other carriers have executed, all of which have been filed with the Commission for approval
21 under Section 252 of the Act.

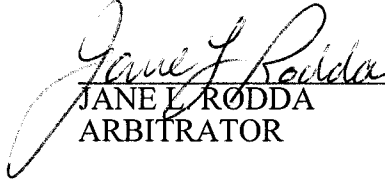
22 IT IS THEREFORE ORDERED that Answerphone shall file a response to Qwest's Motion
23 for Adoption of Arbitration Order no later than April 9, 2007. If Answerphone fails to file a response
24 by April 9, 2007, Qwest's Motion may be granted and the Interconnection Agreement attached as
25 Exhibit B to the Petition may be approved as submitted.

26 IT IS FURTHER ORDERED that Staff shall file any response or comments, including
27 procedural recommendations, to Qwest's Motion for Arbitration Order no later than April 16, 2007.

28 IT IS FURTHER ORDERED that the Arbitrator may rescind, alter, amend, or waive any

1 portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

2 Dated this 26th day of March, 2007

3
4
5 
JANE L. RODDA
6 ARBITRATOR
7

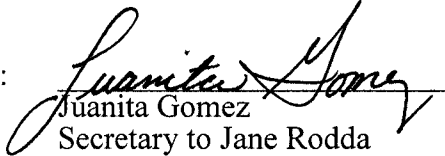
8
9 Copies of the foregoing mailed/delivered
this 26th day of March, 2007 to:

10 Norman Curtright
11 Qwest Corporation
20 E. Thomas Rd., 16th Floor
12 Phoenix, AZ 85012

13 Answerphone Inc.
ATTN: D. Nady
1009 W. 16th St.
14 Yuma AZ 85364
15 SENT CERTIFIED, RETURN RECEIPT
REQUESTED

16 Christopher Kempley, Chief Counsel
Legal Division
17 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
18 Phoenix, AZ 85007

19 Ernest G. Johnson, Director
Utilities Division
20 ARIZONA CORPORATION COMMISSION
1200 West Washington
21 Phoenix, AZ 85007

22
23 By: 
24 Juanita Gomez
Secretary to Jane Rodda
25
26
27
28